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RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 1600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: E. Gunther Attorney Docket No.: GUNE117293
Application No.: 09/935,557 Group Art Unit: 1631
Filed: August 22, 2001 Examiner: A.H. Marschel
Title: METHODS FOR SCREENING AND IDENTIFYING PHARMACEUTICAL
AGENTS

SUMMARY OF EXAMINER INTERVIEW ON MAY 23, 2005

Seattle, Washington 98101

May 27, 2005

TO THE COMMISSIONER FOR PATENTS:

Applicant and applicant's attorney thank the Examiner for the courtesy of granting a telephone interview on May 23, 2005, and for his helpful comments and suggestions during the interview. The participants in the telephone interview were Examiner Ardin H. Marschel, the applicant and inventor Erik Gunther, and applicant's attorney Karen Blöchlinger. Erik Gunther provided a document of "Talking Points" for discussion purposes. The following is a summary of the interview.

The claim limitation "analyte of previously uncharacterized specific pharmacological activity" in independent Claims 1 and 32 was discussed in view of U.S. Patent No. 6,368,794 (Daniel et al.). Specifically, applicant and applicant's attorney clarified that, as described in the specification, this claim limitation encompasses both analytes that had never been characterized and analytes that had never been characterized with respect to the specific pharmacological activity relevant to the expression profiles of the first and second biological samples. Applicant and applicant's attorney further indicated that the specification excludes the screening of established drug candidates in order to more fully characterize the utility for which they have

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been already indicated (Specification, page 14, lines 28-30). Applicant submitted that the differentially expressed sequences in Daniel et al. represent drug candidates for cancer treatment, i.e., analytes whose specific pharmacological activity has been characterized for this indication. The Examiner indicated that the cited passage in the specification is helpful for addressing the rejection over Daniel et al., and suggested that applicant and applicant's attorney file a response to the Office Action referring to this passage.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Mail Stop AF Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date:

May 27, 2005

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